

REMARKS

The foregoing remarks that follow are responsive to the Office Action mailed May 17, 2006. In the Office Action, the Examiner rejected amended Claims 1, 11 and 18 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2003/0126001, filed by Northcutt et al. (hereinafter "NORCUTT"). The Examiner further maintained rejections of Claims 2-10, 12-17, 19-20 under 35 U.S.C. §103(a).

I. Rejection Under 35 U.S.C. §103(a)

Amended Claims 1, 11, and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over STEWART.¹ In rejecting the claims under §103(a), the Examiner indicates that STEWART discloses "a method for processing work requests in a system having a central computer containing a web server and a plurality of remote computer work stations coupled to said central computer, said method comprising: a. an originator creating a work request...and transmitting it to a first level for approval; b. said first level reviewing said work request and, if approved, transmitting it to a third level group lead for a work assignment; d. a facilitator assigned in the preceding step executing said work request; e. said third level group lead reviewing work performed by said facilitators, and transmitting approval to said fourth level in satisfactory; h. closing said work request; and i. an Administrator providing alternate personnel for any unavailable personnel at any one of the first, second, third, fourth and fifth levels." (Office Action, pages 2-3).

The Examiner responded to Applicants' argument that STEWART teaches allowing an administrator to assign tasks to alternative personnel and to generate reports to determine the workload assigned to each person. (Office Action, page 3). The Examiner further indicates that by determining the workload assigned to each personnel, the administrator is essentially determining the availability of each person and has the ability to assign tasks to personnel as desire. The Examiner concludes that therefore STEWART does teach "an administrator assigning alternative personnel in the event of the unavailability of personnel for the first, second, third, fourth, and fifth levels" as per claims 1, 11, and 18. The Examiner further

¹ Since Applicants cannot find a prior art reference to STEWART in the Examiner's list of references in the first and current Office Actions or in Applicants' Preliminary Amendment dated February 28, 2006, Applicants presume the Examiner intends to refer to NORCUTT whenever a reference to STEWART is made in the Office Action dated May 17, 2006.

maintained the rejections of claims 2-10, 12-17, 19-20 over NORCUTT. Applicants respectfully disagree with the Examiner's rejection.

II. The NORCUTT reference is not prior art under 35 U.S.C. § 102(e)

As a preliminary matter, submitted herewith for the Examiner's considerations is the Declaration of the Inventors under 37 C.F.R. § 1.131. Applicants respectfully submit that the Declaration evidences that the invention which is described and claimed in the present application was made at least as early as **April 16, 2001**, which is more than 8 months prior to the **December 28, 2001 filing date** of the application which published July 3, 2003 (U.S. Patent Publication No. 2003/0126001). Attached as exhibits to the Declaration of the Inventors are documentations that are authenticated thereby and evidence the making of the present invention in the aforementioned time frame.

In the Office Action, the Examiner rejected Claims 1-20 under 35 U.S.C. § 103(a). As discussed below, the NORCUTT reference is not prior art under 35 U.S.C. § 102(e) based on a view that the filing date of the prior art does not pre-date the date of invention of the present invention; therefore, Applicants respectfully submit that Claims 1-20 are allowable. The NORCUTT reference was filed on **December 28, 2001** and published July 3, 2003. The present application was filed on January 17, 2002. As evidenced by the Declaration of the Inventors (Appendix A) under 37 C.F.R. § 1.131 attached herewith, the date of making of the present invention was at least as early as **April 16, 2001**. Under 35 U.S.C. § 102(e), the filing date of the prior art must pre-date the date of invention of the present invention for the prior art to prevent the granting of a patent. In this regard, the filing date of the NORCUTT reference – **December 28, 2001** – does not pre-date the date of Applicants' invention, i.e. at least as early as **April 16, 2001**; therefore, the NORCUTT reference is not a prior art in relation to the above-identified application under 35 U.S.C. § 102(e). As such, Applicants respectfully submit that Claims 1-20 are allowable.

III. Request for Allowance


In view of the foregoing, Applicants submit that upon entry of the amendments, the stated grounds of objection and rejection have been overcome and that Claims 1-20 are in condition for allowance. An early notice of allowance is therefore respectfully requested.

Case No.: NORME-458A

Should the Examiner have any suggestions for expediting allowance of the application, please contact Applicants' representative at the telephone number listed below.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: Sept 21, 2006 By: 

Customer No.: 007663

Bruce B. Brunda
Registration No. 28,497
STETINA BRUNDA GARRED & BRUCKER
75 Enterprise, Suite 250
Aliso Viejo, California 92656
Telephone: (949) 855-1246
Fax: (949) 855-6371

BBB/MJZ